BAR BULLETING

Lawyers Reference Service

Lawyers Reference Service

Members in Armed Forces

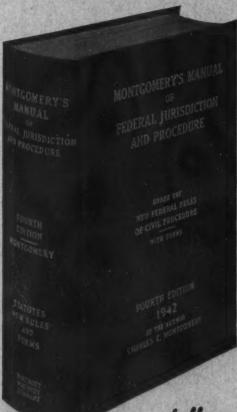
War-Born Delinquency

Junior Bar 1941 Report

The Timorous Lawyer

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BAR BULLETIN

Oficial Monthly Publication of Los Angeles Bar Association. Entered as second-class matter May 5, 1938, at the Postoffice at Los Angeles, California, under Act of March 3, 1879.

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"ALL OUT"

Members of the Bar are showing that they realize that this all-out war means just that. They realize, too, that their professional business is likely to be early and drastically curtailed as the war progresses. Nevertheless, they are taking a realistic view of the situation and giving "all-out" cooperation and service to the numerous agencies, national, state and local, that have been set-up throughout the county.

Scarcely a member of the Bar in this county, especially among those who are beyond the age for military service, but who has responded to the necessities of the situation and are serving in some capacity; in the selective service organization, as air raid wardens, fire wardens, defense committees, and in a score of

As for the younger members of the profession, many have volunteered and are scattered to the four corners of the earth; others are putting their affairs in order and awaiting call. Already, the local ranks of the young lawyers are materially lessened, and this depletion is likely to continue for some time to come.

What sort of a world these young lawyers will return to-those who are fortunate enough to come back—one cannot hazard a guess. That it will be a vastly different one, can be safely assumed. This leads to the thought that older members of the Bar who are permitted to carry on, should give thoughtful study to the present problem of caring for and conserving the business of those who enter military service, during their absence, and to the far more important future problem of absorbing the returning soldier-lawyers into the economic life of the community and the profession.

Perhaps it is too early to consider the latter problem but it should not be lost sight of by the organized bar. The Bulletin will publish from time to time the Roll of Honor of those members of the Bar of this county who are bearing their country's arms. It is requested that the names of such persons be sent to the office of the Association for publication.

It is the duty of a patriot to prefer and promote the exclusive interest and glory of his country.

-GIBBON



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PROGRESS REPORT ON LAWYER'S REFERENCE SERVICE

LAST month the Association announced certain changes in the rules governing the Lawyers Reference Service. Concurrently with the announcement an invitation to participate in the service was extended to every member of the State Bar in good standing and maintaining an office in Los Angeles County. To date the Association has received requests for registration from 226 lawyers. This response is most gratifying and stimulating. It indicates that there is a wide-spread recognition of the field of public service which the Lawyers Reference Service has and will continue to bring to the residents of Los Angeles County.

Since the general invitation of the County to participate in the Service was extended there has been some confusion in the minds of a few as to the scope of the Service, and perhaps because of that confusion a reluctance to register. To clarify the matter, the Committee desires to emphasize:

First: The Lawyers Reference Service was not established to supplant the work of any existing agency, public or private, which either under provision of law, or under generally accepted principles, was and is rendering a real asistance to the people.

Second: The Lawyers Reference Service is not in competition with the Public Defender's Office, who, under the law represents indigent defendants in criminal matters and indigent parties in a limited civil field. If a matter is not within the jurisdiction of the Public Defender, or if the matter is not one which can be serviced by the Legal Aid Society, reference may be had to the Lawyers Reference Service.

Third: The Lawyers Reference Service was not established to supplant the very effective work of the Legal Aid Society, which is established for the sole purpose of giving legal assistance to those without funds. If an applicant to the Legal Aid Society can pay any kind of a fee, such applicant must be referred to private counsel, and it is at this point that the Lawyers Reference Service can be of assistance, both to the public and to the lawyer willing to serve the low income group.

Fourth: The Lawyers Reference Service is also equipped to be of service to that portion of the public which can and is willing to pay reasonable fees for legal services, but for one reason or another do not either know a lawyer, or how to contact one.

Fifth: Through the cooperation of the Bar, the Lawyers Reference will, in the opinion of the Association, do much to strengthen the respect of the public for the Bar and will provide an adequate method of informing the public of the service which the Bar is trained to render to the public.

The Committee renews its invitation to the Bar of Los Angeles County to participate in the Service. We would like to see 1000 or more members of the Bar enrolled in this worthwhile activity.

VERNON P. Spencer, Chairman, Committee on Lawyers Reference Service.

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All members of the Association called to Service should so advise the office of the Association. Your membership will be carried in full force during the time you are in service without payment of dues.

YOUTH AND WAR-BORN DELINQUENCY

By Robert H. Scott, Judge of the Superior Court, Los Angeles

RECALLING that in England from 1913 to 1917 the number of indictable offenses committed by juveniles increased nearly 59%, we have been anxiously watching the juvenile problems of 1941 in that country. We realize of course that over there at any time the number of young persons involved in delinquency is only a small proportion of the total, and that a large majority are

behaving well and facing courageously the hardship of war.

The British Home Office and Board of Education discuss the problem in a recent joint memorandum which points out that the present increase in juvenile delinquency with its peak at the age of thirteen years is mainly due to war conditions. "These offenses," it says, "involve much loss of property; and the misbehavior of a small minority cannot be neglected even in present conditions when time and money must necessarily be devoted mainly to the war effort." It is worth our time to sympathetically study the question which so greatly concerns the officials of a war-torn nation, who agree with us in saying that it is far better to lead young people away from misconduct than to check them when they are found out!

Causes which lead boys and girls into crime are listed as: (a) relaxation of home discipline resulting from military service of the father or war work of one or both parents; (b) interruption of school life through evacuation and enemy action; (c) new temptations facing boys and girls on leaving school for work—high wages—unwholesome recreations; (d) the excitement and unsettlement of

war, and stories of high adventure by land, sea and air.

Many war-time problems result from evacuation—mothers who accompany their children to reception areas—wives who leave for reasons of personal safety or because of loss of home through enemy action. The physical and emotional strain of separation of spouses who have relied upon each other becomes acute and may result in irregular conduct, while the loss of home and possessions may paralyze courage and ambition. These react disastrously upon the minds and emotions of the children.

Reporting on the difficulties of probation work in London, a juvenile officer says: "The public air raid shelter does provide a marvelous refuge for anyone who wants to run away. We have boys, mostly care and protection cases, who have been living sometimes for weeks in public shelters. That inevitably leads to other difficulties, because although living in a shelter you have got to eat. The boys meet these difficulties by stealing, and the girls very often meet them

by picking up soldiers or any other man who wants a companion."

When an English juvenile court faces the truant child you may well imagine that it requires some ingenuity to reconcile the requirement of law that the child shall attend school and the grim fact, as reported by the press, that not only have 18,000 men teachers been called to service in His Majesty's forces, but there were 40,000 school children still unprovided with school facilities when the term opened this fall. Up to the close of school this last spring children were still being brought into the London juvenile court who had not been to school since the war started. "There are a great many children of 12 and 13 who are working in jobs," says Miss E. E. Inman of that court. "A good many children who are still normally at school are taking a lot of time off to say the least of it. One of my boys only goes in the mornings. When I questioned him his answer was that he thought that was quite enough."

In the last world war the growth of juvenile delinquency induced the British Home Office to set up a Juvenile Organizations Committee with the object of stimulating local effort in the provision of school and recreative facilities for young

the office

130 RAR BULLETIN

people. After the war the work of this Committee was transferred to the Board of Education, and according to Secretary H. E. Norman of the National Association of Probation Officers its influence is noticeable in the "National Fitness Movement" and the present "Service of Youth" which has been established as one of the normal educational services concerned mainly with boys and girls over school-leaving age. The Home Office confesses, however, that "long experience has shown that the delinquents come mainly from unsatisfactory environment and are the most difficult to persuade to join youth organizations and participate in organized activities. And when the rougher types do join centers these centers tend constantly to become 'respectable' and no longer attract the undisciplined youth of the streets."

While approving the diagnostic approach to delinquency after it has occurred and saying that probation is the best method of treatment, the Home Office concludes "that one of the best means of checking delinquency in war-time, as in peace, is to provide more, and more varied, social and recreative facilities to meet the needs and the tastes of all sections of the youthful community. . . . In any town or area where there is evidence of an abnormal number of offenders it should be the first duty of the Courts and the local education authority, in consultation with other social agencies, to consider how the provision made for wholesome and healthy leisure activities can be made more adequate for the class of

young people concerned in the offences."

This, then, is the situation which has been developing in England during the last two years. Toward meeting it they have been bending heroic energies. What

are our facilities for dealing justly with our youth in this state?

California is equipped with one of the best juvenile court laws in the country and, we may safely say, in the world. The services of diagnostic clinics and competent probation officers are making effective our juvenile courts' program of rehabilitation for youth who have offended against the law. But here, as in England, we must try to prevent those acts and attitudes which, though forgiven, leave life-long scars, by providing youth with a chance for clean fun, adventure and social contacts through private and public agencies. Right now we have the means by which in our own communities we are able to accomplish those objectives which they have come to approve overseas. The coordinating councils and councils of social agencies in every large community provide the means through which the juvenile courts can do as we have done in Los Angeles for the last ten years and more—work with ministers of all faiths, teachers and social workers in securing more and better youth groups and programs. Our Community Chests gather together worthy agencies for a joint financial appeal in which we can all share, and every contribution to a Community Chest enlists one in the fight against war-born delinquency. In churches our young people learn to look beyond the tragedy of a world at strife and to have faith in a better future which must find them noble and clean. In our scout troops, clubs and other spiritually energized youth groups the flag of our United States becomes not only a symbol but an ideal, and young folks, learning by experience the choice values in those of other races, take a first step toward the brotherhood of man and world peace.

The British are facing this problem with clear minds and tender hearts—we love and admire them for what they have done and are doing. But from their anguish and perplexity we may well take and apply this lesson—that whether it be in time of peace or war, our boys and girls respond to the environment and the opportunities with which we surround them, and only by our closest cooperation and most devoted service can we adequately help our youth to meet the new problems which the immediate as well as the distant future has in store

for us all.

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STANLEY GLEIS ELECTED JUNIOR BARRISTER CHAIRMAN

At their regular annual election meeting held January 28, 1942, at the University Club, the Junior Barristers elected Stanley N. Gleis as their Chairman, to succeed Whitney Harris. The other officers elected for the coming year were:

First Vice-Chairman—Carl Stutsman, Jr. Second Vice-Chairman—Charles Church. Secretary-Treasurer—Maurice O'Conner.

1942 OFFICERS OF WOMEN'S JUNIOR COMMITTEE

Chairman—Evelyn St. John.

First ViceChairman—Mary H. McCarroll.

Second Vice-Chairman—Katherine Adams Stoll.

Secretary-Treasurer—Willimina Montague.



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REPORT OF CHAIRMAN, JUNIOR BARRISTERS OF THE LOS ANGELES BAR ASSOCIATION 1941*

By Whitney Harris

FOLLOWING the practice of prior years, there was sent to each Junior Barrister at the beginning of the last year, a questionnaire which he was requested to fill out, indicating what part of the program he would care to participate in during the year. The response was exceedingly gratifying,—nearly 150 questionnaires were returned which is considerably more than twice the number returned in any former year. Every man who returned a questionnaire was appointed to some activity of his choosing, and, as a consequence, over half of the active membership of the Junior Barristers was engaged in some type of activity. Over thirty committees served actively.

Th activities last year divided into several programs,—Social Program, under the direction of Charles Stanley, Jr.; Public Information Program, under the direction of Francis McEntee; Research Program, led by Leslie Tupper; Employment Program, under Neil G. McCarroll; Membership Program, led by John W. Luhring, and Inter-Bar Coordination, under Harold W. Schweitzer. In addition several standing and special committees were set up. The highlights of the work of the committees follows:

of the committees follow:

SOCIAL PROGRAM

Social Activities, Felix McGinnis, Chairman. The general Social Activities this year consisted of an opening Stag Party at the Jonathan Club, a free Beer Bust, the Spring Frolic, a summer dance and the fall joint Doctors-Lawyers Party.

Law Lectures Committee, Chaplin Collins, Chairman. During the summer monthly breakfast meetings were held for the purpose of presenting speakers on law topics of particular interest to young lawyers. The heads of various administrative law agencies in Los Angeles County delivered lectures following an opening talk by Mr. Philbrick McCoy on "Practical Legal Ethics".

Judges Night Committee, Hilton McCabe, Chairman. This winter the Junior Barristers held a party for the Judges of the Supreme Court and all local Judges. The principal speaker was Major General Jacob E. Fickel who spoke

on the subject "Our Effort In The Air".

Special Committee for January Meeting of L. A. Bar Association, Stanley Gleis, Chairman. This meeting was the best attended meeting of the Association since 1928. Many who failed to obtain reservations in time were turned away. Some 80 new admittees were special guests of honor. The principal speaker was Dr. Adrian Hartog, Consul for the Netherlands, who spoke on the subject "The Far Eastern Theatre of War." Other guest speakers were H. M. Consul, E. A. Cleugh, and Hon. Philip Angell, President of the State Bar of California.

PUBLIC INFORMATION PROGRAM

Juvenile Crime Prevention Committee, Perry Bertram, Chairman. The members of this Committee delivered many addresses to high school assemblies on the subject of Juvenile Crime Prevention. This Committee also gave assistance to Hon. Robert H. Scott, Judge of the Juvenile Court.

Vocational Guidance Committee, Richard Forster, Chairman. This Committee addressed high school students on Vocational Guidance days for the purpose

^{*}Due to lack of space in the BULLETIN, it has been necessary to condense Mr. Harris' report to the Board of Trustees covering the activities for the year January 21, 1941, to January 28, 1942. A full copy of his report is on file at the office of the Association.—Figure 8.

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Speakers Committee, Stanley Gleis, Chairman. This Committee conducted an extensive speaking campaign on behalf of the Community Chest for the purpose of exposing charity rackets in Los Angeles County. "Mutiny on the Public Bounty" was the theme of the campaign. Toward the end of the year the work of the Speakers Committee was directed entirely to matters of national defense. This committee now forms the nucleus of the Speakers Bureau of the City Defense Council.

Radio Committee, Jerome Ehrlich, Chairman. During the last year, the Junior Barristers presented two weekly radio programs, one over KFAC and the other over KFI. The former program, under the direction of Maurice O'Conner, Vice-Chairman of the Committee, presented speakers on matters of civilian and national defense. For example, on July 16, 1941, nearly five months before the outbreak of war with Japan, the Committee presented on this program the Commanding General of the Fourth Air Force speaking on the subject "Aircraft Warning Service". The latter program, under the direction of Jerome Ehrlich, presented a dramatic broadcast under the title, "The Story of American The assistance of professional actors, script writers and radio time The program was co-sponsored were obtained without charge to the Association. by the State Department of Education and transcriptions were made available for circulation in California high schools. The scripts, each one of which was approved by a special committee of the Board of Trustees, were designed to appeal to the layman, and dramatized the blessings of American democracy.

RESEARCH PROGRAM

Los Angeles County Inferior Courts, Carl A. Stutsman, Jr., Chairman. This Committee made a thorough factual analysis of the operation of Los Angeles County Inferior Courts. The report of the Committee was published in the November issue of the BAR BULLETIN.

Legal Aid Clinic, Lewis T. Sterry, Chairman. A study of and a report upon the work and needs of the Los Angeles Legal Aid Clinic was the work of this Committee. It has recommended that an attempt be made to secure more funds from the Community Chest to carry on the work.

Employment Opportunities for Young Lawyers in Outlying Districts, Albert Denney, Chairman. This Committee completed the first half of an extensive study of employment opportunities for young lawyers in the new communities now developing on the periphery of Metropolitan Los Angeles.

EMPLOYMENT PROGRAM

The Placement Bureau had its most successful year, having found employment for forty young lawyers.

MEMBERSHIP PROGRAM

The principal work of the membership program was carried on by two committees,—one for recent admittees under the chairmanship of Gerold Dunn, and the other for older men under the chairmanship of Charles H. Church. Each of these committees prepared a complete statement of the purposes, objectives and program of the Junior Barristers and an explanation why all young practicing lawyers should belong to the Los Angeles Bar Association. The result of the work of these committees was quite gratifying, as the membership of the Junior Barristers during the last year increased from 224 to 239.

INTER-BAR COORDINATION PROGRAM

Committee on American and State Junior Bar Conferences, Wm. Thomas Davis, Chairman. This Committee served to coordinate the program of the Junior

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Harris' 1941, to ciation.— Barristers with the various activities of the Junior Bar Conferences of the State and American Bar Associations. The Chairman of the Junior Barristers and one other delegate attended the meetings of the Junior Bar Conference of the State Bar at Yosemite and the Junior Bar Conference of the American Bar Association at Indianapolis. The program of the Junior Barristers received much commendation at both of these Conferences. Mr. Davis, a former Chairman of the Junior Barristers, was elected President of the Junior Bar Conference of the State Bar, and Whitney Harris was elected to the Executive Council of the Junior Bar Conference of the American Bar Association, representing the Ninth Judicial Circuit.

Committee on Los Angeles County Junior Bar Associations, Leonard A. Shelton, Chairman. The purpose of this Committee was to interchange information for the benefit of the various Los Angeles County Junior Bar Associations, and to develop a coordinated program under which all should cooperate with the Junior Barristers in certain activities and each should carry on certain activities of its own.

STANDING COMMITTEES

Legal Aid Committee, Kenneth O. Rhodes, Chairman. This Committee continued to supply the principal manpower for the Los Angeles Legal Aid Clinic throughout the year. At least one Junior Barrister was at work at the Legal Aid Clinic each day.

Bar Bulletin Committee, Leslie C. Tupper, Chairman. The Bar Bulletin Committee of the Junior Barristers functioned in principal part last year as a supplementation of the Senior Bar Bulletin Committee. The members of the

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Junior Committee prepared the entire December issue of the BAR BULLETIN, devoted to the American Bill of Rights.

Committee to Aid Senior Bar, Lee S. Schwartz, Chairman. The Committee provided assistance to the Senior Association in counting ballots for judicial and other plebiscites throughout the year.

Publicity Committee, Glenn S. Martineau, Chairman. The Publicity Committee prepared all notices for social functions and otherwise assisted in publicizing the affairs and activities of the Junior Barristers.

SPECIAL COMMITTEES

Legal Ethics Committee, Gordon Files, Chairman. This Committee prepared a booklet on legal ethics in which are set forth the canons of Professional Ethics of the American Bar Association, the Rules of Professional Conduct of the State Bar, and the various code provisions governing conduct of lawyers. This booklet, entitled "The California Lawyers Hand Book, an Introduction to Professional Ethics", is distributed free of charge to every new admittee. The Junior Barristers acknowledge a debt of gratitude to Philbrick McCoy for writing an excellent foreword, and to Parker & Baird Company, who printed the booklet without cost. Additional copies of the booklet are available at Parker & Baird Company at fifty cents per copy.

By-Laws Committee, T. H. Sword, Chairman. The By-Laws Committee suggested an amendment to the By-Laws of the Junior Barristers permitting the holding of the annual election meeting at any date in January of each year. This amendment was duly passed by the Executive Council and the membership.

Committee on Group Insurance, Charles C. Stanley, Jr., Chairman. This Committee investigated the possibility of obtaining group medical insurance for the Junior Barristers under the California Physicians Service. The plan did not evoke very much response and, for the time being at least, has been abandoned.

Committee on Legislation, Marvin Freeman, Chairman. On request of the Judicial Counsel, this Committee has been assigned the very important task of reviewing proposed rules of procedure on appeals taken from the Municipal Court, in connection with the complete revision of Appellate Rules of Procedure now being undertaken by the Judicial Council pursuant to authorization by the State Legislature at its last regular session. This Committee of the Junior Barristers is cooperating with the Southern Committee of the State Bar which has been assigned the task of reviewing proposed rules of procedure on appeals taken from the Superior Court.

CONCLUSION

During the last year the Junior Barristers maintained an unusually broad program. This was made possible by reason of the enthusiasm of the membership and the unselfish sacrifice of time by many individual members. During the coming year and in the war years to follow, the active membership will be greatly reduced, and the scope of the Junior Barristers' program will probably have to be curtailed. During the past year, social activities were, in principal part, restricted to Junior Barristers, but there were present on every occasion some of our advisers and other senior members of the Bench and Bar.

Some of the activities have developed to a point where the Junior Barristers require the assistance of senior Bar members in order to assure proper execution. In this connection it is strongly recommended that a Radio Committee be appointed to the Los Angeles Bar Association during the coming year to work with the Radio Committee of the Junior Barristers after the manner in which the Junior and Senior Bar Bulletin Committees function. During the coming months the continuation of the two radio programs now sponsored by the Los Angeles Bar Association under the immediate direction of the Junior Barristers

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should become of increasing importance. The KFI program will shortly present a series of 13 dramatic programs on Civilian Defense, prepared in cooperation with the City Defense Council.

The Junior Barristers deeply appreciate the inestimable assistance and friendship of their advisers, Messrs. Hubert Morrow, Allen W. Ashburn, Wm. B. Mathes and J. W. Mullin, Jr., and the constant interest and support of J. C. Macfarland, President, and the other officers of the Association and Board of Trustees.

LOS ANGELES BAR ASSOCIATION

ANNUAL MEETING
and
INSTALLATION OF OFFICERS AND TRUSTEES

THURSDAY, FEBRUARY 26, 1942 6:30 P.M. UNIVERSITY CLUB



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Rear Admiral Ralston S. Holmes, USN

Commandant, Eleventh Naval District

Admiral Holmes will address us concerning the present emergency.

C. Huntington Jacobs, Esq.

of the San Francisco Bar President of Military Law Association

Mr. Jacobs will talk to us about military and civilian co-operation under martial law, with particular reference to the part the attorney will play.



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THE FABLE OF THE TIMOROUS LAWYER AND THE OMNICOMPETENT SECRETARY

By Richard C. Heaton, of the Los Angeles Bar

ONCE UPON A TIME there was a Timorous Lawyer who was Deathly Afraid of Women. He was, of course, a Confirmed Bachelor and, by reason thereof, was Envied by each of his Friends whose life was Dominated by a Dame. But even his Intimates didn't know the Facts.

The only Female in the world with whom our Hero had more than a Nodding Acquaintance was his Secretary, who had Been With Him for a Long Time.

His First Job after he graduated from Law School was an Employment as the Very Youngest, in Years and Experience, of the Apprentices in a Large Law Factory. The Superintendent of the Plant had then Thrust Upon Him the Very Youngest, in Years and Experience, of the Stenographic Assistance in the Pool, to wit, Our Heroine.

In Due Course of Time the Timorous Lawyer overcame his Distress in the Presence of the Fair Stranger to the point where he could dictate to her without stammering and Once, when he suspected her of Giving Him the Eye, he went so far as to Consider . . . But he knew better than to Encourage That Sort of Thing in the Office, and promptly Dismissed the Notion.

Years Passed. The Timorous Lawyer became a Professional Figure in his own Right and his Secretary, who had Stuck With Him, considered herself Largely Responsible for his rise to Fame and Fortune. She Made it Plain to him from the moment he opened his own office that she was capable of Taking Complete Charge. She Did, too.

She began by Relieving him of Annoying Little Details, progressed through a period of Taking Over his Routine Work and at length Reached the Point where, as she put it, "Mr. Timorous simply couldn't get along without me."

Privately, Mr. Timorous doubted this and had come to Long Desperately for an opportunity to Put the Matter to the Test. Whenever he so much as suggested to his Secretary that she try a month's vacation, however, she would respond with either a kittenish, "How could you get along without your Office Manager?" or a tearful, "I suppose you don't really need me any more." Whatever the response, Timorous knew he was Licked, and always Let the Matter Drop.

And so there Came a Day when the Omnicompetent Secretary was not only Manager of the Office but Manager of the Boss as well. She had long since established her Authority over all the other Hired Hands by the Simple Expedient of Advertising Herself as the Boss's Alter Ego. She generally Got Her Way with either the junior lawyers or the younger stenographers in the Office when she prefaced her remarks with, "You know that Mr. Timorous wants . ." or "Mr. Timorous suggests that you . . ." et cetera. The Help surmised that less than One Per Centum of her demands originated with Mr. Timorous but no one quite Dared to Call her Bluff.

She ruled her Domain with an Iron Hand. She strictly forbade Personal Telephone Calls, both incoming and outgoing, even in matters of Life or Death, and listened in on nearly all the conversations over the office lines, just To Be Sure. She staggered the girls' Lunch Hours simply because they enjoyed Eating Together, although some said she did it so that they couldn't Get Together and

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Talk about Her. She would Go Out to the Bank for a Minute—"For Mr. Timorous"—and stay all afternoon, returning just before Quitting Time to make a great Pretense of Work and to Arrange Things so that half the Force would have to Stay Late. She would Gossip with anyone she could Buttonhole—especially if he were Pressed for Time—and when the Boss Caught Them At It, would Manage to Make it Appear entirely the fault of the Innocent Participant. She Prohibited the Locking of Desks, and Went Through Them without Conscience or Remorse. She kept at a Minimum all Personal Contact between Mr. Timorous and the Employees and became Greatly Disturbed if any of them had more than a fleeting Private Conversation with the Chief. She Quibbled about every item on the Expense Account until the Young Attorneys felt that they Simply Couldn't Afford out-of-town assignments. She was a Stern Arbiter of the Office Morals and was Quick to Detect Romance, Frivolity, Vice or Sin on the part of any Member of the Staff, whether enjoyed within or without the Premises under her Control.

Most of these things Escaped the Attention of Mr. Timorous but she Made Her Presence Known to him in other ways. She kept the books and, using alternately the powerful weapons of scorn and tears, disbursed his funds as She Thought Best. She narrowed the circle of his Friends by turning from the Door or Putting off on the 'Phone those of whom she Did Not Approve. She "took the liberty" of Correcting his English in documents which said just what he wanted them to say. She even chose his clothes; when he showed up in something she didn't like, she would Eye him with Disapproval and sometimes go so far as to sniff at him—"Hmf!"—like that. She made him Wear his Rubbers.

One Day it Dawned on the Timorous Lawyer that he couldn't possibly be more Henpecked if the Omnicompetent Secretary were his Wife.

So he married her.

MORAL: "The husband is the head of the family"

California Civil Code, Section 156.

Some members of the Association may, from time to time, wish to make suggestions to the Association or may have some criticism to make of the Association. Others may have comment to make about the courts, procedure or the laws in general. Feeling that there may not always be an opportunity for the member to get his view before the proper committee or that some public discussion may be desirable, the Editor offers to print all worthwhile letters. An endeavor will be made to answer all pertinent questions relative to the activities of the Association and to the practice of law. Address all correspondence to Editor, Bar Bulletin, 1126 Rowan Building, Los Angeles, California.

OFFICE OF DISTRICT ATTORNEY OF LOS ANGELES COUNTY

By Daniel Beecher, Chief Trial Deputy District Attorney

DURING the first session of the California Legislature, according to the Senate Journal of March 28, 1850, the governor notified the senate that he had signed "An Act concerning the District Attorney". Apparently it was not until April, 1851, that the legislature provided that there should be a district attorney in each county. (Attorney General vs. Brown, 16 Cal. 441.)

W. C. Ferrel, who served one term, was the first incumbent of the office of District Attorney of Los Angeles County. He has since been succeeded by twenty-four incumbents of the office, John F. Dockweiler being the twenty-fifth in line of succession. According to a recent survey by Reginald R. Page of the Los Angeles County Law Library, at our request, the following is a list of names of all the district attorneys in the ninety-one-year history of the office, with approximate dates of terms:—W. C. Ferrel, 1851-52; Isaac S. K. Ogier, 1852-53; K. H. Dimmick, 1853-54; Benjamin S. Eaton, 1854-55; C. E. Thom, 1855-57, 1869-73, 1878-79; Ezra Drown, 1857-59, 1861-63; E. J. C. Kewen, 1859-61; A. R. Chapman, 1867-69; Rodney Hudson, 1875-77; Thomas B. Brown, 1879-82; Stephen M. White, 1882-84; George M. Holton, 1884-86; George S. Patton, 1886-87; J. R. Dupy, 1887-88; Frank P. Kelly, 1888-90; James McLachlan, 1890-92; Henry C. Dillon, 1892-94; John A. Donnell, 1894-98; James C. Rives, 1898-1902; J. D. Fredericks, 1902-14; Thomas Lee Woolwine, 1914-23; Asa Keyes, 1923-28; Buron Fitts, 1928-40; John F. Dockweiler, 1941—

Several incumbents of the office had distinguished careers at the bar and in public office, after the expiration of their terms. Doubtless most of us would name Stephen M. White for first place in this connection by reason of his distinguished service in the United States Senate. Both James McLachlan and John D. Fredericks served several terms in Congress. James C. Rives is recalled by the older members of the bar for his outstanding service of many years as Judge of the Probate Department of the Superior Court of Los Angeles County. The late Henry W. O'Melveny served as deputy district attorney under Stephen M. White. Curtis D. Wilbur, formerly Secretary of the Navy and now Senior Judge of the United States Circuit Court of Appeals; Paul J. McCormick of the United States District Court, William C. Doran of the District Court of Appeal, and Judges Charles W. Fricke, Benjamin J. Scheinman, William R. McKay, and the late Judges Waldo M. York and Arthur Keetch, served also with distinction as deputies in the office of the District Attorney of Los Angeles County. Time and space prohibit mention of many others who likewise served honestly and ably.

From a search of the reports of the Supreme Court of the State of California, it seems that the first criminal action appealed to the Supreme Court from Los Angeles County was the case of *People vs. William B. Lee*, 5 Cal. 353, decided in the July Term of 1855. This was an appeal from the so-called District Court of the First Judicial District, Los Angeles County, wherein O. S.

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Wetherly was District Judge. So far as we have been able to ascertain, there is now no record of this criminal case in the office of the County Clerk of Los Angeles County, except the name of the case and the nature of the charge. The defendant Lee was accused in an indictment of the crime of murder, and at the time of the trial filed an application for change of venue based upon his affidavit that over 100 citizens of the community united in employing counsel to prosecute the defendant, and therefore that he could not have a fair trial. His application was denied. It must be remembered that in those days Los Angeles was a small hamlet, and that 100 citizens constituted a considerable part of the total population. In deciding for the defendant and appellant, the Supreme Court stated:

"No man should be put upon his trial in a community thus excited. It would be judicial murder to confirm a judgment thus rendered when the reason of the people of the whole community was so crowded with passion and prejudice as to prevent mercy and justice."

We pause to inquire of the whereabouts of the District Attorney of Los Angeles County at the time of the trial of this case, as no mention of his existence is made in the opinion of the Supreme Court. If the district attorney was an attorney of record in the case, evidently his personality and activity were insufficient to take the curse off private counsel and his flock of 100 paying citizens.

Apparently it was the accepted custom of private citizens who were thus interested in prosecuting criminal cases to chip in and employ private attorneys to display that vim, vigor and earnestness of purpose which public prosecutors either did not possess or, if they did, would not exercise. From the silence of the Supreme Court on the subject, we are, perhaps, at liberty to conclude that it was not malum in se for private counsel to be so employed, but rather malum prohibitum only in those cases where he had too many paying clients. This practice was probably not in variance with that of England and many of the states of the Union at that time. The custom of associating private counsel with the district attorney to assist him in the prosecution of criminal cases was not unusual in the past, but in this county it has long since been abandoned. A request for such an association is not, however, unusual even in our own day and generation.

The legal field of our first district attorney, Mr. Ferrel, covered a considerably wider area than that of our present District Attorney, Mr. Dockweiler. The duties of Mr. Ferrel were generally such as now set forth in Sections 4153 to 4156c, Political Code. By reason of the adoption of the Los Angeles County Charter, effective on June 2, 1913, the County Counsel took over most of the civil duties of the District Attorney of this County. A few civil duties still remain, such as representing the people in equity to abate public nuisances, in civil insancity jury trials, in representing a defendant alleged to be insane as guardian ad litem in a divorce case (Section 108, Civil Code, as amended in 1941), and in general serving as a sort of catch-all for the legislature when enacting legislation requiring the performance of duties not readily assignable to

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some other public official. These civil cases in which the district attorney of this county is required to act are, however, relatively few. Since the adoption of the County Charter, criminal cases constitute the main business of the office.

Not only has most of the civil business of the district attorney of this county been cut off as above stated, but also a very considerable part of the criminal misdemeanor business by reason of city charters which provide for local municipal prosecutors. In Los Angeles, the City Attorney prosecutes all misdemeanors committed within the ctiy limits, except those arising under the Juvenile Court Act. The same legal situation obtains in Long Beach, Santa Monica, and in other municipalities, either because of charter provisions or agreements made between the district attorney and local authorities. In the unincorporated areas of the county the district attorney handles all misdemeanors committed therein, as well as the felonies. In determining the precise responsibility of the District Attorney of Los Angeles County we need to read Sections 4153 et seq., Political Code, in the light of the modifications made by the County Charter and the various city charters existing within the county. In other words, statutes pertaining to the district attorneys of the state generally are applicable only in part to the District Attorney of Los Angeles County.

Assuming that this article, if read at all, will for the most part be seen by members of the bar, we take this opportunity to briefly discuss the relationship of the office of the district attorney with individual lawyers who have business with the office. It is not, as perhaps assumed by some, the principal purpose or desire of the office to get as large a percentage of convictions as possible. If the office is honestly and efficiently conducted, there will be satisfactory percentages of convictions, because criminal cases either will not be initiated, or prosecuted after they are started, unless justified by the law and facts.

It is, of course, impossible for the district attorney to eliminate mistakes both in the initiation of criminal cases and in the course of their prosecution in the courts. Many felony complaints are filed in Los Angeles County without the knowledge of the office. This practice exists because of the impracticability in various parts of the county of presenting the matter to the district attorney before filing. In such cases the district attorney first appears in preliminary hearings. Where a case is brought to the office before filing in the courts, it is reviewed usually by a deputy in the Complaint Department who determines whether or not it should be prosecuted. Naturally, in the course of such preliminary consideration, there is available for the most part only evidence tending to sustain a prosecution. An experienced deputy district attorney can, however, pretty well size up the case, but possibility of error always exists.

If attorneys for defendants know that complaints are pending against their clients in the office of the district attorney, they will always be given an opportunity to be heard before complaints are issued, if they so request.

Fortunately, courts exist for the purpose, among other things, of rectifying errors of district attorneys. It is not necessary, however, at least in a great many instances, for defendant's counsel to resort to the courts to correct errors

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of the Distict Attorney of Los Angeles County. The office is ready at all times to discuss with open mind any alleged errors of law or fact that may be pointed out by counsel on the other side of the case. Such counsel are welcome at all times for conferences on these matters. Where the evidence is conflicting, and the state's witnesses are credible, defendants' counsel should not, however, be too optimistic about their capacity to persuade the office that defendants' stories should be accepted as the truth. The office does not undertake to decide such issues of fact, but refers them to the courts where they belong. It is not unusual however, for honest witnesses to be mistaken, particularly on questions of identity. There are, of course, good alibis. There are also completely satisfactory explanations of transactions that at first blush look criminal. More frequently than either of the foregoing, there are numerous cases where available proof does not meet the requirements of the criminal law for establishment of guilt. If defendants' counsel are able to point out to the office of the district attorney satisfactory reasons why cases should not be in court, appropriate action is taken accordingly. It might be stated in passing that the office in everyday practice is diligent in discovering defects in cases. When these defects are fatal to the prosecution, dismissals are requested. District attorneys and their deputies have the same aversion toward appearing silly in court rooms as other members of the bar. In October, 1941, on motion of the district attorney, 34 cases were dismissed in the Superior Court for lack of evidence and in the interests of justice. There were during that month 463 criminal cases finally disposed of in the Superior Court, so that such dismissals constituted about 7 percent of the total.

Much discussion has arisen during recent years about compromising criminal cases. Let us be frank and state plainly that no district attorney's office can operate without compromising criminal cases. While composing these very lines, the writer approved a plea of guilty to negligent homicide where, in connection with the same transaction, the defendant was also charged with drunk driving and hit and run. By so doing, the court was given the power to sentence the defendant to state prison, to the county jail, or to grant him probation upon condition that he serve not more than one year in the county jail. If it is error for the office so to dispose of that case-by compromise-then make the most of it. A large percentage of defendants in felony cases are charged with two or more felonies in the same information or indictment. If they were required to be convicted on every count where the evidence is sufficient, there would not be enough available courts to handle the felony business of the county. We submit that in the practical administration of justice the district attorney performs his full duty when, through the process of the courts, he places a defendant in a position where he may be adequately punished for his crimes. To be sure, this involves being satisfied with something less than the proverbial pound of flesh This policy generally works out satisfactorily to everybody except those who would exact the last pound.

The policy of compromising felony cases in this jurisdiction does not, however, include any recommendations of the district attorney to the courts for

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leniency to defendants. In other words, recommendations for leniency are not traded for pleas of guilty. Furthermore, unless the office is satisfied of the guilt of defendants of lesser included offenses, no lesser pleas of guilty are accepted. The office wants no convictions by compromise, or otherwise, unless based upon guilt.

The importance of administrative policies of the office of the district attorney is often overlooked by the uninitiated. Raymond Moley observed in one of his books—"Politics and Criminal Prosecutions", I believe—that the office of the district attorney generally in the United States had come to be largely an administrative office like that of the assessor or the tax collector. The fact that 284 out of 374 convictions of felonies in Los Angeles County during October, 1941, were obtained by pleas of guilty rather than by trials, illustrates Mr. Moley's point. In my "Study of the Office and Problems of the District Attorney of Los Angeles County", on page 34, there is a table showing percentages of convictions obtained by pleas of guilty and verdicts of guilty. This table shows that at that time Los Angeles County obtained 73 percent of convictions by pleas of guilty, and 27 percent by trials. Several jurisdictions, including Minneapolis, Omaha, Syracuse, Des Moines and Yonkers, showed 90 percent or over of felony convictions by pleas of guilty.

In many cases pleas of guilty are taken only after discussion between defense counsel and the deputy in charge of the case and the Chief Trial Deputy. Defense counsel are, however, usually requested to discuss these cases in the first instance directly with the deputy in charge of a particular case, who always takes part in any discussion concerning the disposition of his own case. At the present time, there are more than six hundred felony cases actually set down for trial in the superior court. There are probably as many more cases pending in the various stages of procedure. No single individual can of course be familiar with all, or any considerable portion, of these cases. Records of the office make every case immediately available to the District Attorney and his staff.

The District Attorney of Los Angeles County is the general manager of the department of prosecution of Los Angeles County. He is an executive officer charged with the detection and prosecution of crime (County of Yolo vs. Joyce, 156 Cal. 432). Undoubtedly his most important function is to set up and direct his organization in such a manner as to most effectively carry out his legal duties. The nature and scope of his executive duties require that he delegate to others many important functions of the office. When acting in the scope of his duty, a Deputy District Attorney possesses all of the legal power of his principal (Peo. vs. Magallones, 15 Cal. 426). As the executive head of the office, the District Attorney of course determines within the limits of his legal powers, including regulations of the Civil Service, the nature and extent of the activities of his subordinates; otherwise, a large office like that of Los Angeles County could not efficiently function.

The office is so organized that in the ordinary course of the prosecution of a criminal case, many deputies have a chance to look it over. In cases started

144 RAR. BULLETIN

in the main office, one or more deputies pass on the complaint, another conducts the preliminary hearing, another appears at arraignment and plea in the superior court, another at the trial, if any, and still another usually assists in the event of an appeal. At all stages of the case, the District Attorney and his executives are available for advice and assistance. Special cases are handled by special assignments of deputies, who initiate prosecutions and follow them through. The staff from the novice to the old timer is always available to act in any case where occasion requires.

The legal staff of the District Attorney consists of two assistants appointed by the District Attorney under the County Charter, each of whom receives a salary of \$625 per month, and fifty-seven deputies under the classified civil service, divided into three basic grades with salaries ranging from \$275 to \$600 per month. The Chief of the Bureau of Investigation has a personnel of 67 in his department. The staff attached to the office, including all deputies, investigators, stenographers and clerks, numbers 175 persons. That figure also includes the personnel of the branch offices of the District Attorney at Long Beach, Pasadena and Santa Monica, where cases arising in those areas are handled locally.

The annual budget of the District Attorney is \$593,817.00, or, roughly, twenty cents per year per inhabitant of the county.

During the current fiscal year, about 5000 felony cases prosecuted by the office will be finally disposed of in the superior court, about eighty per cent of which will result in convictions. Of those convicted, we guess that thirty per cent of them will be sent to state's prison and most of the rest will spend some time in jail either on straight sentences or on conditions of probation. A very few will suffer the death penalty—probably not more than six. Life and liberty are indeed at stake in the business that concerns the District Attorney.—Daniel Beecher.

HELP! IF IN NEED CALL ASSOCIATION OFFICE

Applications for employment as associate lawyers, law clerks, secretaries and stenographers are always on file at the office of the Association. Members are urged to make use of this service. They may do so by examining the applications on file or by advising the office of their needs. Telephone TUcker 8118.

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IMPORTANT NOTICE RE COMMITTEE APPOINTMENTS

Committee appointments for the forthcoming year will be made in the near future, and it is the desire of your President-elect and the Board of Trustees, whenever possible, to appoint those who desire to do committee work.

Should you wish to serve upon a committee, please make that fact known by advising the Executive Secretary of the Association by letter or phone.

GEORGE M. BRESLIN.

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